



SO ORDERED.

SIGNED this 18 day of October, 2016.

Stephani W. Humrickhouse

**Stephani W. Humrickhouse
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

JOE MONTEL McKOY, JR.

Debtor

CASE NO. 16-03239-5-SWH

Chapter 7

ORDER GRANTING RELIEF FROM AUTOMATIC STAY

THIS CAUSE coming on to be heard and being heard before the United States Bankruptcy Judge for the Eastern District of North Carolina, upon the motion of Specialized Loan Servicing, LLC, servicing agent for The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2002-RS6 ("Movant") for relief from the automatic stay to allow foreclosure on the Debtor's property located at 4925 Alenja Lane, Raleigh, North Carolina 27616 (the "Property"), subject to a deed of trust recorded in the Office of the Register of Deeds for Wake County, North Carolina (the "Deed of Trust"). After a review of the record, the court finds and concludes as follows: that adequate notice of this matter was given to the appropriate parties as required by the appropriate Bankruptcy Rules; that the Debtor is in default in the payments on said real estate mortgage; that there is no equity in the Property from which the bankruptcy estate could benefit; Movant is without adequate protection; and, but for the automatic stay provided by Title 11 U.S.C., Sections 362 et. seq., Movant would be entitled to foreclose on the Property subject to the Deed of Trust under the power of sale therein contained or by judicial process.

WHEREFORE, based upon the foregoing findings of fact, the Court concludes as a matter of law, that good cause has been shown, including lack of adequate protection, and that an Order should be entered granting relief from the automatic stay wherein Movant be permitted to repossess or exercise the power of sale pursuant to the Deed of Trust to sell the Property free and clear of any interest of the Debtor and the Standing Trustee.

NOW THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that Movant is granted relief from the automatic stay provided by Title 11 U.S.C., Sections 362 et. seq., and that Movant or a duly appointed Substitute Trustee is allowed to repossess the Property or exercise the power of sale granted him under the Deed of Trust. Any surplus remaining after any such foreclosure sale shall be directed to the Bankruptcy Trustee in this case.

All communications or notices required by state law, sent by Movant in connection with proceedings against the Property, may be sent directly to the Debtor. Movant is further granted permission to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

This Order shall be effective on the date entered and the stay of the Order pursuant to Bankruptcy Rule 4001(a)(3) is hereby waived.

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